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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,699	02/05/2001	Frank W. Bennett	STL9476	5363

7590 10/17/2003

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EXAMINER

DATSKOVSKIY, MICHAEL V

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/776,699

Applicant(s)

BERNETT ET AL

Examiner

Michael V Datskovskiy

Art Unit

2835

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear, if claim 11 is dependent on claim 8 or not. Also claim 8 does not claim a method of constructing a device, but rather a method for increasing inertia of a device. Hence, words: "constructed from the method of claim 8" should be eliminated from the claim 11.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatti et al.

Gatti et al teach a device, Figs.1-4, for increasing inertia of a disk drive mounted within a computer system, the disk having a first inertia, the device comprising: a mounting plate 20 secured to the disk drive 1, the mounting plate having a second inertia; and a plurality of resilient compressible members 50 secured between the mounting plate 20 and the computer system 10 for isolating movement of the mounting plate 20 relative to the computer system 10. Gatti et al teaches furthermore: said mounting plate 20 includes a base , a first side wall connected to the base, and a second side wall connected to the base opposite the first side wall, said walls secured to the computer system through resilient members 50, wherein the first side wall and the second side wall each have at least one mounting aperture 52, 54 and the computer system 10 has at least one aperture 42, 44, each mounting aperture aligned with each system aperture, and comprising a fastening mechanism received within each mounting aperture and secured within each corresponding system aperture; said resilient compressible member made of any suitable material (col.2, lines 61-63) and have a first end having a grommet-like portion and a second end having a grommet-like portion, said grommet-like portions being inserted in the respective apertures of the mounting plate 20 and the computer system 10.

Gatti et al does not discuss an inertias of the mounting plate and the disk drive, or a certain range of relations between them, However, each of these parts inherently poses some inertia, and by adding the mounting plate to the disk drive their common inertia

Art Unit: 2835

will be inherently increased. It would have been obvious to one having ordinary skill in the art at the time the invention was made to double the inertia of the disk drive by connecting it with the mounting frame having the inertia equal to the inertia of said disk drive, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding to the claims 7-10 and 18-20: The method steps are obviously necessitated by the device structure as it is disclosed by Gatti et al , considering that discovering the optimum or workable ranges involves only routine skill in the art.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Daugherty et al (US Patent 5,131,619); Scura (US Patent 5,366,200); Yamamoto et al (US Patent 6,243,236); Ogawa et al (US Patent 5,910,862); Krum et al (US Patent 5,035,396); Sri-Jayantha et al (US Patent 5,721,457); Ishikawa et al (US Patent 5,004,207); Stolz et al (US Patent 6,498,722); Sullivan et al (US Patent 6,320,744) and Saruwatari et al (US Patent 6,292,455).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V Datskovskiy whose telephone number is 306-4535. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (703) 308-4815. The fax phone

Art Unit: 2835

number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.

Primary Examiner

Michael Datskovsky

A handwritten signature in black ink, appearing to read "Michael Datskovsky", written in a cursive style.

October 09, 2003.